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QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES

Situation of human rights in the Sudan

Report of the Special Rapporteur, Mr. Gáspár Bíró, submitted in accordance with Commission on Human Rights resolution 1997/59

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Introduction

1. The present report is the fifth report submitted by the Special Rapporteur to the Commission on Human Rights on the situation of human rights in the Sudan since 1993 (E/CN.4/1994/48, E/CN.4/1995/58, E/CN.4/1996/62 and E/CN.4/1997/58). The Special Rapporteur also has submitted five interim reports to the General Assembly (annexes to documents A/48/601, A/49/539, A/50/569, A/51/490 and A/52/510). Certain paragraphs from the latest interim report (A/52/510) are reiterated in the present report when required to provide the reader with a better understanding of the context.

2. In preparing the present report, the Special Rapporteur undertook a mission to Khartoum between 2 and 10 September 1997. This visit had two objectives, beyond the traditional investigation, verification, and discussion of reports on violations of human rights with the competent Government of the Sudan authorities in the framework of the precedent resolutions by the General Assembly and the Commission on Human Rights on the situation of human rights in the Sudan since 1992: first, to discuss with Government of the Sudan officials and other interested parties the human rights dimensions and implications of the peace agreement signed between the Government of the Sudan and representatives of several southern political organizations and rebel groups on 21 April 1997 (known as the Khartoum Agreement); second, to receive first-hand information on the latest measures taken by the Government of the Sudan through its Consultative Council for Human Rights (also known as the Advisory Council for Human Rights) regarding the improvement of the situation of human rights in the Sudan and the improvement of the communication between the Government, the Commission on Human Rights and the Office of the High Commissioner for Human Rights. The meetings and the consultations are described in detail in the interim report submitted to the General Assembly in November 1997 (A/52/510).

3. After the renewal of the mandate in April 1997, the Special Rapporteur continuously received, until 13 December 1997, the date the present report was finalized, detailed information on all categories of violations and human rights abuses he has addressed in previous reports. During his September 1997 visit to Khartoum, the Special Rapporteur received testimonies from victims of various human rights violations, as described below or from persons who witnessed abuses or violations committed by agents of the Government of the Sudan or members of the parties to the armed conflict in the Sudan other than the Government. In most of these cases, written documentation in the form of appeals and copies of letters to the Special Rapporteur or competent government authorities, such as the President of the Republic or the Minister of Justice and Attorney-General, was also provided. Prior to his departure from Khartoum, the Special Rapporteur raised with representatives of the Ministry of Justice and the Advisory Council for Human Rights a number of cases of persons arrested by Sudanese security forces and whose whereabouts were not known by their relatives or who were refused legal representation. No satisfactory answer, or no answer at all, was received as of the date the present report was finalized.

4. The Commission on Human Rights, in resolution 1997/59, adopted without a vote, expressed its deep concern at continued serious human rights violations by the Government of the Sudan and at actions by other parties to the

conflict, including kidnappings, arbitrary detention, forced conscription, indiscriminate killings, forced displacement and arrest of foreign relief workers without charge; called for an end to such practices and for those responsible to be brought to justice; again urged the Government to release all political detainees, to cease all acts of torture and cruel, inhuman or degrading treatment, to close down all clandestine or unacknowledged detention centres, and to ensure that all accused persons were held in ordinary police or prison custody where family members and lawyers could visit them, and that such persons received prompt, just and fair trials under internationally recognized standards; called upon the Government to ensure that its security forces, army, police forces, Popular Defence Forces and other paramilitary or civil defence groups were properly trained and acted in compliance with standards set forth in international humanitarian law; urged the Government to investigate reported policies or activities which supported, condoned, encouraged or fostered the sale or trafficking in children, separated children from their families and social backgrounds, forcibly rounded up children from the streets, or which subjected children to forced internment, indoctrination or cruel, inhuman or degrading treatment or punishment; also urged the Government to carry out promptly its promised investigations into cases of slavery and similar institutions and practices, as reported by the Special Rapporteur and others; encouraged the Government to work actively for the eradication of practices which were directed against and particularly violated the human rights of women and girls; called upon the Government to cease immediately the deliberate and indiscriminate aerial bombardment of civilian targets and relief operations; and called again upon the Government and all parties to the conflict to permit international agencies, humanitarian organizations and donor Governments to deliver humanitarian assistance to all war-affected civilians.

5. The communications from the Government of the Sudan in relation to reports on involuntary or enforced disappearances, reports on slavery and slavery-like practices and concerns continuously expressed over the past five years by the international community regarding a great number of extrajudicial killings, summary executions, torture and detention without due process of law which took place between July and August 1992 in Juba were quoted at length in the 1997 interim report. In the following paragraphs the Special Rapporteur will present some observations regarding certain aspects which in his view were ignored or addressed in an unsatisfactory manner.

I. EXTRAJUDICIAL KILLINGS AND SUMMARY EXECUTIONS

6. On 21 May 1997 the Advisory Council for Human Rights released a report entitled: "Publication of the results of the investigation carried out by the Judicial Commission about the Juba event of 1992" (hereinafter the Juba Report).

7. In June and July 1992, fighting between the Sudanese Army and the Sudanese People's Liberation Army (SPLA) took place in and around the town of Juba. The SPLA attack was repelled by the government forces. Several reports indicate that following the cessation of fighting the security services arrested hundreds of military and civilian personnel, including Sudanese nationals working with international aid agencies, in particular the United States Agency for International Development (USAID). In his 1994 report to the Commission on Human Rights, the Special Rapporteur, inter alia, noted the following in relation to this incident:

"Andrew Tombe, an employee of the USAID, and Mark Laboke Jenner, who worked for the European Commission, were executed in August 1992 in Juba. The Government reported that their execution had taken place after a military court had sentenced them to death for treason. However, no details on the trial and its proceedings have been provided. Several cases of death in custody have been described to the Special Rapporteur. One report describes the execution of 18 young men, suspected in collaboration with the SPLA, who were taken from the military headquarters, the White House, in Juba at the beginning of August 1992, tied up, forced to lie down in a pre-dug pit and shot dead. ... Following SPLA attacks in June and July 1992 in Juba, around 200 civilians were reportedly killed in a house-to-house search by government troops. Young men, including boys aged 13 and older, were said to have been particularly targeted. With regard to the reports from Juba, the Special Rapporteur notes that many of these killings took place in the aftermath of the fighting, when the Government regained control over the city" (E/CN.4/1994/48, paras. 30-31 and 33).

8. In paragraph 49 of the same document it is reported that, "In August 1992, Taban Elisa, Assistant Director of Juba Airport, reportedly died as a result of the severe torture inflicted upon him in the White House in Juba." Regarding this case, the Juba Report states only that, "The Airport Director Taaban Alissa, accused of using a communication set to guide the insurgents, was arrested. He was committed to trial."

9. Concerning these aspects, the Juba Report states:

"33. In a meeting with Mr. Gáspár Bíró (the Special Rapporteur on human rights in the Sudan) held upon his request, the fact-finding Commission explained many lists and, to save time and effort, the Commission prefers to have one list of all the persons whose fate is being investigated. The Commission requested the Human Rights Centre in Geneva to provide it with one accurate comprehensive list of all the persons whose fate is being investigated. The Commission had not received a reply until the time of the writing of the report. This was one of the reasons for the delay in the Commission's work.

"34. Therefore, the Commission compiled all the lists available, and incorporated them in one unified list, to be a reference for the inquiry on the fate of the persons listed, whose number was 240 persons. Henceforth, the Commission compared this list with the lists of those submitted to trial, and concluded the following:

"(a) Ninety-four persons were convicted by tribunals formed according to the law. The sentences ranged between execution and imprisonment;

"(b) The tribunals acquitted 11 persons.

"35. As for the rest of persons listed, the Commission concluded the following probabilities:

"(a) Killed in bombardment and exchange of fire or during the battles and armed skirmishes, as the numbers of those killed were very large and their bodies remained for a long time unburied and petrified to the extent that their features could not be identified;

"(b) Defection from the service of the various regular forces;

"(c) Voluntarily joining the insurgent movement;

"(d) Forcibly taken away by the insurgents after the attack;

"(e) Boarding the relief aircrafts which used to bring supplies to Juba and return empty to Khartoum. Not less than 500 persons were counted in one day;

"(f) Persons who chose to disappear and were arrested during and after the events. They were investigated and released. Later, it appeared from interrogation of others that they were involved and wanted for arrest;

"(g) Persons from the police force, game and prison guards with orders for their arrest, and lists of their names were sent to their unit headquarters in Juba, but could not be arrested as they were in areas out of Juba. On learning of the orders for their arrest and the actual arrest of their colleagues in Juba, they left their units and disappeared. Those were wrongly included among persons arrested and their fate was unknown."

10. The third part of the Juba report describes seven individual cases and comprises a brief conclusion, as follows:

"1. As regards Mr. Andrew Giftana Tombe, an employee of the office of USAID in Juba, the Commission found out that he was arrested and submitted to trial, being accused of joining an illegal organization, cooperating with the insurgents and aimed at the occupation of Juba by armed forces; of participation in guidance and transportation of explosives during the events; and using illegally communication sets to contact the insurgents. Confessions of these accusations were recorded before the Commission of Inquiry and before the tribunal. Hunting Guard Captain Henry Maw Samuel presented testimony that Mr. Tombe was tried and convicted by the major field tribunal and sentenced to death on 13 August 1992, that is, more than two months after the events, and was executed.

"2. As regards Mr. Bedwin Angelino Tally, who worked as a storekeeper in the office of USAID, he was arrested and committed to trial accused of shielding an illegal organization and participating in its activities. His confession was recorded. In addition, Mr. Andrew Tombe presented testimony against him. Accordingly, he was tried and convicted by a major field tribunal in Juba and sentenced to death on 14 August 1992, that is, more than two months after the events, and was executed.

"3. As regards Mr. Dominic Moris Olaya, an employee of the office of USAID, he was arrested and submitted to trial, accused of participation in the activities of the above-mentioned illegal organization. His confession was recorded before the tribunal, which convicted him according to his confession and the reports and sentenced him to death in August 1992, that is, more than two months after the events, and he was executed.

"4. As regards Mr. Sisilim Lako Lombe, a gardener in the office of USAID, he was arrested and submitted to trial accused of participation in all the activities of that illegal organization. In August 1992, the major field tribunal sentenced him to death after convicting him according to his confession and the reports, that is, more than two months after the events, and he was executed.

"5. As regards Mr. Mark Laboke, who was working as a Chief Clerk in the office of the European Commission in Juba, he was arrested and submitted to trial, accused of participation in all the activities of that illegal organization and using an unlicensed communication set to contact the insurgents. His confession was recorded before the tribunal and Mr. Andrew Tombe testified against him. The tribunal sentenced him to death after being convicted on 12 August 1992, that is, more than two months after the events, and he was executed.

"6. As regards Mr. Michael Motton Attija, an employee of the United Nations Development Programme (UNDP) office in Juba, he was arrested in the first days of the events and was released after investigation and lack of evidence against him. Later, after sufficient evidence was found against him, it was decided to rearrest him. But it was not possible to find him and the authorities are still searching for him. Information obtained by the Commission from different sources indicates that he belongs to the border tribes between the Sudan and Uganda and that he was an officer in the Ugandan Army during the regime of ex-President Idi Amin. He came later to Juba and worked with the UNDP office. The sources explain his disappearance that he might have crossed the border to Uganda after his release. Of course, there is a probability that he might have been killed during the random bombardment.

"7. As regards Mr. Rocko Konir Biro, who was a driver working in the United Nations Children's Fund (UNICEF) office of Juba, reports indicate that he was arrested with others and released for lack of evidence against him. Probably he was among the victims of the random bombardment, particularly as he was residing in Lulogo quarter for the displaced, which was burned during the second attack, causing the death of many persons."

11. The conclusion of the Juba report is as follows:

"In conclusion, the Advisory Council for Human Rights affirms that its declaration of the results of the investigation comes within the responsibility of the Government of the Sudan to protect and develop human rights, in compliance with the international instruments adopted in this respect and within the framework of its cooperation with the international community and its competent mechanisms."

12. It is to be noted that for years the Government of the Sudan had confirmed information only about the execution of Andrew Tombe and Mark Laboke Jenner. The 1997 report acknowledges officially for the first time since 1992 that three other individuals were also executed: Bedwin Angelino Tally, Dominic Moris Olaya and Sisilim Lako Lombe. However, neither the total number of death sentences pronounced nor of the executions carried out is provided, although, according to the Juba Report, the head of State had to confirm in every case the death sentence pronounced by the special court in Juba.

13. The Amnesty International report entitled "Sudan: the ravages of war: political killings and humanitarian disaster", released on 23 September 1993, mentions in this regard the following:

> "In September 1992 government officials admitted that Andrew Tombe, a Sudanese employee of USAID and Mark Laboke Jenner, who worked for the European Commission, had been executed in Juba in mid-August 1992 after they had been convicted of treason. However, in respect of the vast majority of cases, as of July 1993, the authorities had either provided contradictory information, information which had been subsequently disproved or had simply failed to account what happened to the prisoners. For example, in November 1992 the authorities in Juba told the UN's Independent Expert that Michael Muto Atia, a senior UNDP official in Juba arrested on 31 July 1992, was awaiting trial in Khartoum. The authorities in Khartoum said that he had disappeared" (pp. 17-18).

14. The Juba Report, as quoted above, depicts a slightly different situation in comparison with the initial communications received from the Government concerning this incident. Further, the text of the Juba Report contains a series of self-contradictions. Compared with the information and reports on the events in Juba in the summer of 1992 gathered from a variety of sources over the years and duly reflected in the subsequent reports of the Special Rapporteur, it can be stated that the Juba Report released in May 1997 fails to account in a convincing manner for the fate of the 240 individuals mentioned in its paragraph 34, with the exception of the five persons executed whose names were quoted above. The Special Rapporteur provided the Judicial Commission in December 1993 with a list which contained 230 names of persons whose whereabouts were not known at that time by their families. This situation had not changed as of the date the present report was finalized.

15. In the light of the above, the Special Rapporteur can only conclude that the Juba Report should not be regarded by the Commission on Human Rights and the international community as clarifying in a satisfactory manner the question of the summary executions and reported extrajudicial killings, torture and arbitrary arrests which took place in the town of Juba in the summer of 1992.

16. It should also be mentioned that no information has been made public concerning the circumstances of the trial and summary execution in April 1990 of 28 high-ranking army officers, despite repeated inquiries to the authorities and protests made by their relatives. Even the location of the bodies of those executed during the night of 24 April 1990 has not been disclosed to the families concerned. The executions took place reportedly after a trial which lasted less than two hours without possibility of appeal and based on accusations of participation in a coup d'état.

II. TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT

17. As in past years, torture and other cruel, inhuman and degrading treatment of detainees at the hands of security forces were reported continuously during 1997. The methods of torture reported were also similar to those practised in the past years: beatings, electric shocks, exposure to the sun for hours which, in the given conditions, can result in disfigurement and other lasting skin diseases, pouring of cold water on the naked body, rape in custody and threatening with rape, deprivation of sleep, refusal of food and medical treatment and forcing some detainees to witness the torture of others.

18. The following excerpts of a written declaration given to the Special Rapporteur personally during his September visit by A.A.M.A. (21), a student who graduated from the Law Faculty of Nilein University of Khartoum, contain a series of elements that are consistent with testimonies given to the Special Rapporteur since 1993 by victims of torture committed by the security forces:

> "At about 2 o'clock in the afternoon of Sunday, the 16th of March 1997, three members of the Security attacked me and pushed me by force into a taxi. This took place in the Central Market Area of Khartoum, near the Green Gubba Bookshop. The taxi drove to a cafeteria near the Feisal Bank, in the Ali-Abdellatif street. I was told I was arrested and had to wait until another car would bring me to another place. Being guarded, I waited in a room behind the cafeteria. After 15 minutes I was blindfolded and brought to a place unknown to me. It seemed to me that this place was an unoccupied students' hostel. There I heard that a person was brutally tortured, apparently a member of the Umma Party. I had to take off all my clothes, until I stood naked. All my clothes were thoroughly searched. They started to beat me with hard rubber hoses and sticks on my head, my arms and my back, until my head, arms and back were bloody and swollen. Then I had to dress again, but the beatings, threats and the brutal threat that they would torture me with electrical shocks continued. (...) They then threatened me with their 'usual practice for students' to shave off the hair of my head, my moustache and my eyebrows. They ordered me to appear at 10 o'clock in the morning of Tuesday, the 18th of March at the same place in the Central Market Area, near the Green Gubba Bookshop. They would wait for me with a car and I would have to ride in the car with them. In case I would fail to appear at the indicated time and place, they would know how to arrest me. In that case - if I would not appear by myself - they would sexually abuse me. They continued to threaten me: the country was in a state of emergency and war and they could shoot me at any time. Or, being a university graduate, they would force me into military service at the front and there they would let me die as a hero. At about 6 o'clock in the evening of the same day, i.e. four hours after my arrest and continuing ill-treatment, I was blindfolded and brought in a car to the Industrial Area of Khartoum, near the Sudan University, to a place known as Al Rhaba, where I was pushed out of the car. (...) After that, I made an X-ray examination of my head and arms in a private clinic and went then to the official government police-hospital. There I was (again) examined."

The memorandum is dated 17 March 1997, and copies were sent to the Chief Justice, the Minister of Justice and Attorney-General and the Minister of Interior. The victim expressly requested the widest publicity of his account.

III. ARBITRARY ARREST AND LACK OF DUE PROCESS OF LAW

19. Following the attack on the border towns of Kurmuk and Geissan by the SPLA on 12 January 1997, hundreds of people were arrested by the security forces in Khartoum and other major northern towns. Belonging to all categories and strata of the population, men and women, Muslims and Christians, with no regard for their social position or ethnic affiliation, those arrested were all suspected of "collaboration with the enemy" or political opposition to the regime and were considered as part of a larger conspiracy against the State. According to an Amnesty International report released in April 1997, between January and March 1997 a total of 266 persons were arrested, some of whom were released at the time of the report. Those arrested included university lecturers, businessmen, lawyers, students, engineers, medical doctors and individuals known for their affiliations with banned political parties.

20. A further wave of arrests took place both in Khartoum and in Juba between June and July 1997. On 6, 7 and 8 July at least 33 individuals were arrested on charges of "conspiracy." Among those arrested was Mahmoud Zakharia Ezzudin (39), an engineer and a lecturer at the Engineering College in Khartoum, was arrested on 8 June 1997. His whereabouts were not known to his family after 10 June 1997. As of 2 September 1997, his relatives had been informed that only one interrogation had taken place. It should be noted that Mr. Mahmoud Zakharia's brother-in-law, Abu Bakr Rasikh, was shot to death in October 1992 by a security officer on the street in front of eye-witnesses. The officer was finally convicted for manslaughter, but reportedly has spent only one month in detention, while pressures were exercised upon the family to accept a minor compensation, which they refused. Since that time the members of the Rasikh family have been regularly harassed by members of the security forces.

21. Y.M.M. (50), a technician active in the trade union movement, was arrested on 15 January and was still in detention as of September 1997 without concrete charges being brought against him. Family members told the Special Rapporteur that he suffers from a heart condition and that they have been granted only two visits since his detention.

22. In August 1997, arbitrary arrests, that is, without a concrete charge or a formal mandate, continued. The Special Rapporteur was informed of persons arrested on 26 and 28 August, just prior to his visit to Khartoum in September 1997. Arrests were reported from other northern towns, such as Atbara, Nyalla and localities in the Gezira area.

23. Mustafa Abdel Gadir, a well-known Khartoum lawyer, was detained several times during 1997 without concrete charge. His latest detention took place on the night of 1 to 2 December 1997, following the incident of 1 December 1997 in front of the UNDP Khartoum offices, described below in the section on the rights of women.

24. The practice developed during the past three years of summoning people to the security forces headquarters in the district of Bari in Khartoum and obliging them to spend the whole day waiting has become generalized for those who had previously been arrested and detained arbitrarily for varying periods of time without a charge.

25. The Advisory Council on Human Rights is aware of the cases brought to the attention of the Special Rapporteur, either because the Special Rapporteur himself personally informed its Chairman and Rapporteur, or from joint urgent appeals addressed to the Government by the Special Rapporteur and the Special Rapporteur on the question of torture, where there was a fear of torture or ill-treatment, or appeals addressed directly to tne Government of the Sudan, and subsequently to the Office of the High Commissioner for Human Rights, by international human rights organizations. Despite this fact, until the completion of the present report, only one written reply, dated 10 November 1997, was received from the Government of the Sudan regarding four cases. This response provides only the following information: "Mudawi Ibrahim Adam (released), Abdel Basit Abbas Hussein (released), AbdelRahman Al-Amin (was nor arrested or detained) and Kamal AbdelRahman (under investigation by the District Attorney in accordance with the law)."

IV. SLAVERY, SERVITUDE, THE SLAVE TRADE, FORCED LABOUR AND SIMILAR INSTITUTIONS AND PRACTICES

26. In 1997 the Special Rapporteur continued to receive reports and information on the abduction of people from southern Sudan, and in particular the Bahr al Ghazal area, by armed groups of the Popular Defence Forces (PDF) and mujahedin fighting together with the Sudanese Army against the SPLA. The Special Rapporteur has also carefully studied the two reports submitted by the Advisory Council for Human Rights Special Committee on Allegations of Enforced or Involuntary Disappearances and Reported Cases of Slavery, which he quoted at length in his interim report to the General Assembly (see A/52/510, paras. 24-33). The Special Rapporteur is also aware of the debate which developed inside and outside the Sudan between the Government and several international NGOs on the one hand, and between international human rights and humanitarian organizations working in the Sudan on this sensitive issue.

27. The Special Rapporteur, taking into account the whole body of material at his disposal at the present time and his personal experience during field missions in the past five years, wishes to emphasize the followings:

(a) The Special Rapporteur maintains all his findings as described in previous reports, as well as the conclusions and recommendations formulated therein regarding the question of slavery, the slave trade and similar institutions and practices in the Sudan. The Special Rapporteur based his conclusions not only on independent and reliable sources, but also on testimonies taken between 1993 and 1997, including during his September 1997 mission to Khartoum, from victims of these practices and institutions and eye-witness accounts of several other individuals who have witnessed such practices in various parts of the Sudan. These testimonies, accompanied by written accounts and other documents, such as copies of correspondence between local chiefs and authorities in the former states of Kordofan and Darfur, and documents on cases of retrieval of abducted children raised before courts in various locations in northern Sudan, were corroborated by a large number of independent sources;

(b) The Special Rapporteur again draws attention to the fact that in his reports the concepts referred to in this regard are clearly defined by the relevant international instruments to which the Sudan is a party. Therefore, not only should the concept of "slavery" as such, in many cases implying only chattel slavery, be taken into account, but all practices and institutions similar to slavery, the slave trade, servitude or serfdom and enforced labour as defined in international instruments should, in the light of the facts reported, also be taken into account. The Special Rapporteur would like to refer to article 1 of the 1926 Slavery Convention, which provides:

> "(1) **Slavery** is the status or condition of a person over whom any or all of the powers attaching to the right of ownership are exercised.
>
> "(2) The **slave trade** includes all acts involved in the capture, acquisition or disposal of a person with intent to reduce him to slavery; all acts involved in the acquisition of a slave with a view to selling or exchanging him; all acts of disposal by sale or exchange of a slave acquired with a view to being sold or exchanged, and, in general, every act of trade or transport in slaves."

(c) The Special Rapporteur recalls that he made several recommendations to the Special Committee on Allegations of Enforced or Involuntary Disappearances and Reported Cases of Slavery regarding its methodology of work and the importance of guaranteeing the largest possible publicity to it and the necessity of an open debate on this issue in the Sudan (see A/51/490, paras. 8-16). The Special Rapporteur also notes that some of the questions raised, for example in relation to the status of those Nuba individuals who work in the households of army officers, have not yet been entirely clarified;

(d) The Special Rapporteur also wishes to underline that most of the locations mentioned in previous reports about slavery have not been accessible to foreign visitors, for example, the villages situated along the railway between Babanusa and Wau. The Special Rapporteur has no information indicating that the cases reported from this area were ever investigated. The locations mentioned in the 1994 report to the Commission on Human Rights (i.e. Al Dhein, Kor Thagat, Gomelai, Jalabi, Kelekela, Muglad or Shahafa) also were not visited.

V. FREEDOM OF RELIGION

28. The Special Rapporteur has continued to receive numerous allegations concerning the demolition of Catholic centres by government authorities. It is alleged that this is a calculated plan based on government policy, albeit undeclared, to make the community expression of the Christian faith extremely difficult, particularly by preventing Christians from having places of worship and by destroying the places they have built. The reasons given by authorities for the destruction of these centres are to improve urban planning, to build new roads or public utilities, or to upgrade the quarter targeted.

29. On 7 and 29 December 1996, the Catholic Multipurpose and Prayer Centre in Dorusha'ab, Khartoum North, was razed. On 31 March 1997, the Teria

Multipurpose Catholic Centre in Khartoum was demolished. The authorities justified the demolition of the church on the grounds that it was too noisy, a source of insecurity and a centre for Christianization of the Muslim community, an activity which could not be tolerated. On the following day, 1 April 1997, the authorities demolished the Catholic Multipurpose and Prayer Centres of Kalakla Gubba and Wad'Amara. On 19 July 1997 the Sudanese authorities at Jebel Aulia camp destroyed a Catholic Multipurpose Centre which the displaced community used as a prayer centre and secondary school. The demolition affected over 3,000 secondary school students. The reason given for the demolition was that the Centre was operating within a residential area.

30. On 4 January 1997, Mr. David Bual, a southern Sudanese Presbyterian evangelist, was arrested in the town of Malakal. Christians attribute his arrest to his Christian faith. Following his arrest, he was held inside a container bound by chains on both his legs and hands for 12 hours. He was then taken to Khartoum, where he was interrogated and accused of collaborating with the rebels. After three days of interrogation, he was taken to Kobar prison. However, owing to the fact that he was preaching to the prisoners, he was transferred and placed under house arrest. On 10 June 1997 he was released.

31. On 9 February 1997, during the enthronement of Bishop Al-Birish of Kadugli of the Episcopal Church of Sudan in Kadugli, a group of men ordered the congregation to disperse on the grounds that the Nuba Mountains was an Islamic area where Christianity had no place. The case was reported to the authorities. When the leadership of the Episcopal Church of Sudan protested and asked why the men had behaved in such a manner, the response was merely, "they are members of the area". Two days later a group of men entered the church compound, breaking, destroying and burning houses and properties within the church and the compound.

32. On 14 August 1997, the Government of the Sudan provided the Special Rapporteur on religious intolerance with a response to his letter dated 5 August 1997. The Government stated that the overall policy emphasizing religious tolerance had been unambiguously affirmed with greater determination and had been followed by specific progress towards religious, cultural and ethnic diversity, by the inclusion of such a policy in the Khartoum Peace Agreement and Constitutional Decree No. 14 of July 1997. It informed the Special Rapporteur, inter alia, that the sources of legislation are Islamic Sharia law and the customary practice of non-Muslims. The concept of Jidah is a response to an attack against the country and not a holy war against infidels. Because "hudud" penalties are exclusively of Islamic origin, section 5 of the Criminal Act of 1991 excludes southern Sudan from its application. Conversion is not punishable in the Sudan, but the manifestation of such conversion is punishable within the context of the protection of public tranquillity. The Government further stated that it fully agreed with the development of a culture of tolerance and non-discrimination, noting that it was the first country to respond positively to a request by the High Commissioner for Human Rights to promote human rights education by establishing 26 human rights education committees. At the request of the Christian community, the Government also noted that it had repealed the Missionary Societies Act and it is currently engaged in consultations with the Churches in order to draft legislation that does not jeopardize the free exercise of religious activities.

33. In its letter, the Government also agreed with the Special Rapporteur on religious intolerance that all limitations on the construction of new places of worship should be abolished. It noted that the established legal practice in cases of destruction of places of worship in the context of urban development plans is to either pay adequate compensation or to provide better alternative sites. The Government informed the Special Rapporteur that it is the policy to provide maximum security for the protection of places of worship and to shield them from religious extremism.

34. The Government also informed the Special Rapporteur on religious intolerance that it makes allowances and provides for the religious, ethnic and cultural diversity of the Sudanese population. In this regard, all schools are obliged to devise teaching methods that promote tolerance and freedom in order to make the unrestricted enjoyment of rights available to all. The measures undertaken to ease restrictions on the travel of Sudanese and foreign religious officials and on the distribution of religious publications have been extended to the maximum, by basing all rights and obligations on citizenship and not on religious, ethnic or other affiliation. The Government stated that it is government policy to make religious freedom a means of promoting tolerance.

VI. THE RIGHTS OF THE CHILD

35. In Northern Uganda thousands of children have been abducted and held in camps in southern Sudan by the Lord's Resistance Army (LRA), a violent rebel group dedicated to overthrowing the Government of Uganda. There are numerous reports that the LRA receives support from the Government of the Sudan in exchange for assistance in fighting the SPLA. The LRA has abducted young children, mostly 14 to 16 years old, but at times children as young as 8 or 9, boys and girls alike. These children are forced to serve the rebels. Smaller children may be made to run errands or to do small chores; girls are given to commanders as "wives". All of the children are trained as soldiers and forced to fight, both in Uganda and the Sudan. The LRA enforces discipline through a combination of violence and threats. Children who do not perform their assigned tasks to the rebels' satisfaction are beaten. Children who flout rebel orders are beaten or killed, and often other abducted children are forced to do the killing. Failed escape attempts are punished by death and successful attempts lead to retaliation against the relatives of the escapee.

36. The Special Rapporteur, in his statement before the Third Committee of the General Assembly on 12 November 1997, mentioned in relation to this case that a report by the Department of Humanitarian Affairs (DHA) released in November 1996, based on a fact-finding mission undertaken in Uganda between 15 and 23 November 1996 and corroborated with UNICEF data, indicated that during 1995 and 1996 an estimated 3,000 schoolchildren had been abducted by the LRA and another rebel group, the West Nile Bank Front, for recruitment purposes and hundreds of children had been massacred (see E/CN.4/1997/58, para. 39). Reports by international NGOs released recently describe a terrible situation. A report published in September 1997 by Human Rights Watch/Africa, The Scars of Death. Children Abducted by the Lord's Resistance Army in Uganda states:

"The rebels prefer children of 14 to 16, but at times they abduct children as young as 8 or 9, boys and girls alike. They tie children to one another, and force them to carry heavy loads of looted goods as they march them off into the bush. Children who protest or resist are killed. Children who cannot keep up or become tired or ill are killed. Children who attempt to escape are killed. (...) If one child attempts to escape, the rebels force the other abducted children to kill the would-be escapee, usually with clubs and machetes. Any child who refuses to participate in the killing may also be beaten or killed. The rebels bring their captives across the border to a Lord's Resistance Army camp in Sudan."

VII. THE RIGHTS OF WOMEN

37. On 23 October 1996 a Public Order Act on the status of women was reportedly enacted by the Khartoum State Government. In his 1997 report to the Commission on Human Rights, the Special Rapporteur reviewed some of the provisions of the Act and stated that the rights of women had always been among the priorities addressed in his previous reports. The Act raised very serious questions regarding the freedom of movement of women living in the capital city and the surrounding area. Sources in Khartoum referred to the legislation as instituting "strict sexual segregation in public" (see E/CN.4/1997/58, paras. 44 and 55).

38. The Special Rapporteur met with Mrs. Intisar Abu Nagma and Mrs. Somaia Abu Kashawa, representatives of the General Federation of Sudanese Women, in Khartoum on 4 September 1997. The representatives maintained that the Special Rapporteur's 1997 report had stated inaccurately that on public transportation vehicles women should not sit on seats that were near the drivers and that in public gatherings, including those organized in schools, farms, educational institutions and clubs, women should be separated from men by curtains. The representatives stated also that, in practice, the first door of public transportation vehicles was reserved for the use of women, and that women sat next to or behind the driver. Also, they stated that there was no reference in the Act to any curtain that should separate women from men. The representatives emphasized that the provisions to which the Special Rapporteur had referred had been advanced as part of a proposal made during the debate in the local council, but had not been incorporated in the Act.

39. During the same meeting, the Special Rapporteur was provided with a copy in Arabic of the 1996 Public Order Act, which was subsequently translated into English by representatives of the General Federation of Sudanese Women. The Special Rapporteur wishes to express his gratitude for the efforts to provide him with a translation before his departure from Khartoum. The Special Rapporteur learned, however, after he had begun drafting the present report, that the documentation, which included a copy of the Public Order Act, contained legislation adopted on 28 March 1996. There was no reference in the papers he received during the September 1997 mission to any legislation adopted in October 1996. It is not yet clear what is the current status of the October 1996 Act, which the Special Rapporteur quoted in his 1997 report to the Commission on Human Rights (see E/CN.4/1997/58, para. 44). In his previous report and during consultations with officials of the Government of the Sudan and representatives of the General Federation of Sudanese Women the

Special Rapporteur constantly and unequivocally referred to the October 1996 Public Order Act, as he was not aware of any legislation on the issue adopted in March 1996.

40. The Special Rapporteur has received numerous reports on the executions of the punishments provided by the Act, especially lashing of women carried out at the headquarters of the Khartoum Popular Police Forces (PPF). In order to avoid further misunderstandings that may occur in relation to the issue, the Special Rapporteur considers it necessary to reproduce in the present report the relevant parts of the document he received during his September 1997 mission to Khartoum.

"...

"9. (1) (a) One of the doors and 10 (ten) seats on public buses shall be assigned for women on State routes;

"(b) Men are categorically prevented from sitting in places assigned to women, while women are not allowed to sit in places assigned to men;

"...

"(2) In the case of public vehicles, other than those mentioned in paragraph (1) (a), 25 per cent of the seats shall be assigned to women.

"...

"Chapter five

"Women's hairdressing salons

"Obtaining licences

"13. (a) No one shall practise the hairdressing profession without obtaining a licence from the authorized locality on the recommendation of the authorized People's Committee.

"(b) The application for the licence shall be made on the form prepared by the locality, after acquiring the commercial and health licences.

"Regulations of work at women's hairdressing salons

"14. (a) Women's hairdressing salons shall not employ men.

"(b) Men shall not enter women's hairdressing salons.

"(c) A sign shall be put in front of the salon stating the provisions of subparagraph (b) of this article.

"(d) The salon shall have one door opening to the road, except salons located at multi-floor buildings.

"(e) The director or the owner of the salon shall comply with the required health terms and safety measures.

"Granting of licences for men

"15. (1) Men may own a women's hairdressing salon in accordance with the conditions and regulations issued by the authorized locality.

"(2) In case of awarding the licence in accordance with paragraph (1) of this article, the salon shall be administered by a woman.

"Eligibility of women employed at women's hairdressing salons

"16. (a) Owners and directors of salons shall not employ any woman to work at the salon, except after getting assurances that she is of good conduct.

"(b) The woman worker shall be technically qualified and hold a certificate from an authorized body.

"(c) The age of the woman director of the salon shall not be less than 35 years.

"Inspection of salons

"17. The licensing authority and public order police may enter hairdressing salons at any time for the purpose of inspection of the application of the provisions of this Act, provided that the inspection is made by women.

"Women's dress tailoring places

"18. (a) Women's dress tailoring profession shall not be practised except after obtaining a licence from the local authorities.

"(b) The local authorities shall formulate regulations guaranteeing public discipline for workers of the place.

"Separation between men and women in queues

"...

"20. Any business whose dealing requires citizens to stand in queues shall separate between men and women and the public shall comply with the same.

"...

"Punishments

"...

"26. Anyone who violates provisions of this act shall be punished by one or more of the following punishments:

"(a) Imprisonment of not more than five years;

"(b) Fine;

"(c) The two punishments;

"(d) Flogging;

"(e) Confiscation of items used in the violation;

"(f) Withdrawal of licence or permission or closing the business for a period not exceeding two years.

"(Issued under my signature: on Q Zul-Quadia, 1416 H, corresponding to 28 March 1996) Badr-Eddin Taha - Wali of Khartoum State."

41. The Human Rights Committee in its concluding observations on the second periodic report submitted by the Sudan in 1997 noted, inter alia, in relation to the rights and the status of Sudanese women the following:

"...

"9. Flogging, amputation and stoning, which are recognized as penalties for criminal offences, are not compatible with the Covenant. In that regard, the Committee notes that:

> By ratifying the Covenant, the State party has undertaken to comply with all its articles; penalties which are inconsistent with articles 7 and 10 must be abolished.

"10. ... The Committee is deeply concerned about the practice of female genital mutilation in the Sudan, particularly because it is practised on female minors, who may suffer the consequences throughout their lives. This practice constitutes cruel, inhuman and degrading treatment and violates articles 7 and 24 of the Covenant. ...

"11. The Committee notes that under customary arrangements a woman's consent to marriage is mediated by a guardian, and that recourse has to be made to the courts to override any prohibition within the family on a woman's choice of a husband. Such restrictions, whether by practice or legislation, are incompatible with articles 3, 16, 23 and 26 of the Covenant. Therefore:

> The State party should repeal all legal provisions hindering women's free choice of spouse, as well as all other rules differentiating between men's and women's rights to marry and within marriage. The Committee is also concerned about the absence of a legal provision on a minimum age for marriage, and strongly recommends that such a provision be adopted forthwith.

"...

"16. The Committee is of the view that a system of prompt trial for petty offences may be compatible with the provisions of the Covenant, but continues to be concerned at the system of trial in the Public Order Courts. Therefore:

> Training should be given to judges on appropriate penalties and on procedural safeguards which must be observed. Lashes should be excluded as a punishment, and an appellate procedure should be introduced to review convictions and sentences.

"...

"22. The Committee expresses concern at official enforcement of strict dress requirements for women in public places, under the guise of public order and morality, and at inhuman punishment imposed for breaches of such requirements. Restrictions on the liberty of women under the Personal Status of Muslims Act, 1992 are matters of concern under articles 3, 9 and 12 of the Covenant. Therefore:

> It is incumbent on the State party to ensure that all its laws, including those dealing with personal status, are compatible with the Covenant."

VIII. IMPROVING THE FLOW OF INFORMATION, THE INDEPENDENT VERIFICATION OF REPORTS AND ASSESSMENT OF POSSIBILITIES OF TECHNICAL ASSISTANCE AND COOPERATION IN THE FIELD Of HUMAN RIGHTS

42. On 1 December 1997, a serious incident took place in front of the UNDP Office in Khartoum when, in broad daylight and in the presence of United Nations staff and numerous passers-by, the security forces and uniformed elements brutally disrupted a peaceful demonstration by a group of approximately 50 women who wanted to transmit, through this office, a letter of protest to the Secretary-General against the forced conscription of their sons and brothers into the government Popular Defence Forces. According to the report received from UNDP Khartoum, the police physically dispersed the group with force by aggressively beating the women, including elderly ladies, with sticks and rubber hoses. Women were beaten with sticks, slapped on their faces and denied their right to free expression. The report states that they were dragged into police cars, their tobes (national dress) fell down, and their screams were heard by all the United Nations staff who witnessed the incident and felt impotent for not being able to help. At approximately 1 p.m. the police arrested the women and loaded them into their vehicles,

continuing to beat and abuse them. As reported later, 36 women received 10 lashes each following a summary trial at which they were convicted for public order offences. One woman received 40 lashes, the additional lashes inflicted allegedly because she was wearing trousers and a T-shirt. A joint appeal was issued on Friday, 5 December, calling upon the Government of the Sudan to investigate this incident, bring to justice those responsible for the violence to which these women were subjected, and to compensate the victims both for the injuries suffered and any criminal punishments imposed upon them. The appeal was signed by four special rapporteurs of the Commission on Human Rights: the Special Rapporteur on violence against women, the Special Rapporteur on the freedom of opinion and expression, the Special Rapporteur on the question of torture and the Special Rapporteur on the situation of human rights in the Sudan. As of the date the present report was finalized, no answer had been received from the Government of the Sudan.

43. Representatives of the Consultative Council for Human Rights of the Government of the Sudan expressed on various occasions during the past year their interest in closer cooperation with the Office of the United Nations High Commissioner for Human Rights and the Special Rapporteur of the Commission on Human Rights on the situation of human rights in the Sudan to improve the flow of information and independent verification of reports on the situation of human rights in the Sudan. Interest was expressed also in exploring possibilities for future cooperation with the Office of the High Commissioner in the field of technical assistance and advisory services.

44. The Special Rapporteur is of the opinion that any cooperation in the field of technical assistance and advisory services should be initiated with special regard to the improvement in the communication and the flow of information between the Government of the Sudan and the Office of the High Commissioner and the Special Rapporteur. The following aspects should be taken into consideration in this regard:

(a) The direct and accelerated exchange of information between the Consultative Council on the one hand and the Office of the High Commissioner and the Special Rapporteur on the other;

(b) The more timely transmission of the replies to the communications received by the Consultative Council from the Special Rapporteur and the Office of the High Commissioner, including the transmission of legal documents, statistics and any other relevant documentation;

(c) The creation of the conditions that are necessary for an impartial, professional, rapid and objective verification of the information and reports received regarding cases of violations of human rights;

(d) Regular contacts between representatives of the Office of the High Commissioner and the Consultative Council;

(e) Improved coordination between the Office of the High Commissioner and other United Nations organs and agencies dealing within their mandates with specific aspects of the situation of human rights in the Sudan.

45. With regard to the ways and means to realize those goals and at the same time contribute to the further development of a proper environment and mutual confidence between the concerned parties, the Special Rapporteur believes that basically the following two practical solutions can be envisaged:

(a) The establishment of periodic direct contacts in Khartoum between representatives of the Office of the High Commissioner and the Government of the Sudan in order to assess the possibilities for, and at a later stage to ensure the instant communication and verification of, any information or reports regarding the situation of human rights in the Sudan;

(b) Regarding the conflict zones, the implementation, without delay, in cooperation of all parties concerned of the recommendation contained in paragraph 25 of Commission on Human Rights resolution 1997/59 on the situation of human rights in the Sudan, regarding the placement of human rights field officers to monitor the situation of human rights in the Sudan, in the locations, under the modalities and with the objectives suggested by the Special Rapporteur in his earlier reports.

IX. REPRISALS

46. The Special Rapporteur was informed that in September 1996, Osman Idris Fadlallah, two weeks after he met the Special Rapporteur in Khartoum at the UNDP office, was twice intercepted on the street by members of the Sudanese security forces. The second time, he was taken to the security headquarters, where he was threatened and beaten. In August 1997, he was refused an exit visa for medical treatment.

47. The Special Rapporteur also is of the view that the incident of 1 December 1997 described in paragraph 42 should be considered an act of reprisal.

X. CONCLUSIONS AND RECOMMENDATIONS

A. Conclusions

1. Regarding the situation of human rights in general in 1997

48. The Special Rapporteur has continued to receive reports and information on the violation of human rights in relation with which concern was expressed of Commission on Human Rights resolution 1997/59. The reports indicated that agents of the Government of the Sudan, including members of security forces, PDF and PPF, were responsible for a broad range of human rights violations in the areas controlled by them. In the capital city of Khartoum, according to reports and testimonies to the Special Rapporteur during his September 1997 mission by witnesses, victims or relatives of victims of violations, members of the security forces carried out a series of arrests without warrant, and ill-treated detainees. In many cases families not only did not have access to their detained relatives, who were, in many cases husbands and sons who were the only breadwinners in the family, but for months they had no information about their whereabouts. Members of PPF were reported to have carried out arbitrary round-ups of women and girls from the streets of Khartoum, keeping them for hours at their headquarters, or in tents serving as PPF bases in

various neighbourhoods, abusing them verbally and even lashing them in some instances. Reports on individual cases of violations received during the Special Rapporteur's visit to Khartoum were communicated by him to the Consultative Council for Human Rights.

49. Following the escalation of fighting between January and August 1997, the situation of human rights in the conflict zones has deteriorated. Reports on displacement of tens of thousands fleeing the war and on massive civilian casualties continued to reach the Special Rapporteur. In the areas affected by armed conflict, the available reports and information indicate that all parties are responsible for violations of human rights, including the right to life, liberty and personal security of civilians, especially women, children and the elderly.

50. Reports indicate that indiscriminate and deliberate aerial bombardments by government aircraft and rockets fired from gunships at civilians gathered around airstrips awaiting the distribution of relief or fleeing their villages after the outbreak of fighting between government troops and rebels, have continued.

51. In April 1997 the Consultative Council for Human Rights established several subcommittees dealing with human rights violations and abuses grouped as follows: detentions without trial, arrests, torture and lack of due process of law; religious persecution; forced displacement and bombardments; extrajudicial killings; access for relief organizations and humanitarian law; slavery and disappearances (a Special Committee, as described above, has been set in the framework of the Consultative Council and has been working since May 1996); the rights of women; the rights of the child; freedom of expression and peaceful assembly; and the report of the Juba Commission. The Special Rapporteur is of the opinion that this development should be considered by the international community as a positive step by the Government of the Sudan in addressing the situation of human rights in the country. The reports and information on violations and abuses on each of these categories received by the Special Rapporteur in 1997 can now be considered with greater efficiency, especially if concrete steps are taken in a framework of consultation and cooperation.

2. Regarding the Khartoum Agreement of 21 April 1997

52. The provisions of the 21 April 1997 Khartoum Agreement on fundamental human rights and freedoms are in accordance with international standards on human rights. The Special Rapporteur understands that constitutional decree No. 14/1997 did not reiterate these provisions, owing to reasons related to codification techniques and because they are considered as becoming an integral part of the new constitution that is currently being drafted. Although the two documents contain different wording on the same issues as described in the interim report to the General Assembly (paragraphs 15-21), all signatory parties with whom the Special Rapporteur met during his September 1997 mission to the Sudan, together with representatives of the Consultative Council for Human Rights and members of the National Assembly, expressed the opinion that those differences would not in any way prevent their implementation, should the political will of all the signatory parties remain firm in that regard. The implementation of the provisions of those

documents, however, was considered by all concerned parties as the key question of the success of the peace process and an essential condition of a significant improvement of the situation of human rights in the Sudan in general. The Special Rapporteur is of the opinion that from a legal perspective the regulation of the institution of citizenship in accordance with the principles laid down in the April 1997 Khartoum Agreement and contained in constitutional decree No. 14/1997 is of crucial importance, inter alia, in giving effect to the provision of Commission on Human Rights resolution 1997/59, in which the Commission called upon the Government of the Sudan to comply with applicable international human rights instruments and to bring its national legislation into accordance with those instruments to which the Sudan was a party, and to ensure that all individuals in its territory and subject to its jurisdiction, including members of all religious and ethnic groups, enjoyed fully the rights recognized in those instruments.

3. Regarding the reports of the Special Committee on Allegations of Enforced or Involuntary Disappearances and Reported Cases of Slavery

53. There is no doubt that both reports reflect the findings of the Special Committee. It is confirmed by these reports at the same time that the allegations regarding disappearances in the Nuba Mountains area are not baseless. Although the Special Committee did its best to identify as many persons as possible from the initial list it was provided, the whereabouts of numerous individuals are not yet known. That points to the fact that local authorities, and especially the army commanders charged with both military operations and the supervision of PDF units under their command, bear the responsibility to protect civilians in the armed conflict zones. The Sudan is a signatory party to the Geneva Conventions of 1949, therefore the Government of the Sudan should take all the necessary measures in order to assure that its combat units observe the principles and provisions of international humanitarian law.

54. The Special Rapporteur takes note of the denials of reports on slavery and slavery-like practices in the Nuba Mountains area. It should be mentioned, however, that in the previous years most of the reported cases of slavery, the slave trade, servitude, enforced labour and similar institutions and practices were received from areas of southern Sudan and not the Nuba Mountains area. The majority of reports originated from the areas and the locations under government control (Al Dein and Gogrial, for instance), which the Special Committee has not yet visited, and where in the past eight years international human rights observers had continuously been refused access by the Government. The Special Committee states in its report that: "The autumn conditions and heavy rainfall, coupled with the fact that certain areas were under rebel control, prevented the Special Committee from gaining access to all areas (Al Dein, Nyamlell, Gogrial and Aweil). Its work was therefore confined to visiting the Nuba Mountains and the surrounding area."

55. In his 1996 interim report, the Special Rapporteur made several recommendations in relation to the activity of the Special Committee (A/51/490, paras. 17-22). For instance he recommended that the existence and the activities of the Special Committee should be publicized through the media, including radio and television broadcasts. The transparency of the work and the publicity of the findings should be ensured to the maximum extent.

56. He also stated that it was necessary to encourage all those who possessed information related to the pertinent issues to share them with the Special Committee. Also, all those who provided information or submitted complaints regarding issues of interest to the Special Committee were assured that they would not suffer reprisals, negative consequences or any other disadvantages.

57. The Special Rapporteur added that the Special Committee should consider the involvement, on a continuous basis, of representatives of local authorities and representatives of local communities, including local chiefs, in its activities. All the conditions for international participation in the form of technical cooperation and advisory assistance should also be guaranteed.

58. Unfortunately, as of the date of the present report, the Special Rapporteur cannot report on the effective implementation of those recommendations. The Special Rapporteur has not received any communication from the Government of the Sudan on this issue. He was assured orally, however, by the Chairman of the Special Committee that the publicity of its existence and operations would be enhanced, since during the past year only one single press announcement was made through a daily Khartoum newspaper. The texts of the relevant international documents are not available to the public at large. The Special Rapporteur suggested the publication of these texts in the printed media. International participation is still non-existent, and the Chairman of the Special Committee did not refer to contacts with tribal chiefs or other individuals in its activities, despite the fact that the Special Rapporteur is aware that there is a growing interest on behalf of the affected social groups in this regard. It should be mentioned also that reports of both enforced and involuntary disappearances and slavery and slavery-like practices continued to reach the Special Rapporteur in the past year.

59. The Human Rights Committee, in its concluding observations on the second periodic report presented by the Sudan, expressed its concern and noted that it was troubled by the number of reports of extrajudicial executions, torture, slavery, disappearances and other human rights violations from United Nations and NGO sources, and by the delegation's assertions that such human rights violations were relatively infrequent. In that connection, the Committee's concern extended to reports of abduction by security forces of children. It welcomed the State party's declaration that it would investigate any reports of human rights abuses by police, security forces, Popular Defence Forces or others under its responsibility.

60. As of the date the present report was finalized, the Special Rapporteur had not received any communication from the competent authorities of the Government of the Sudan on concrete steps aimed at liberating and reuniting children with their families, especially girls abducted from northern Uganda by the Lord's Resistance Army who are still missing, nor on any measures taken by the Government of the Sudan to eradicate these practices and to bring to justice those responsible whom, according to persistent reports, have found refuge on Sudanese territory. The Special Rapporteur took note of the declaration of the representative of the Government of the Sudan before the Third Committee of the General Assembly on 13 November 1997 in relation to

this question, in which he indicated that his Government had released a press statement on 25 September 1997 in which it deplored violence, torture, abduction and any other inhuman treatment targeting children, and condemned in the strongest possible terms such cruel acts, whether they were perpetrated by the LRA or by any other party. The Special Rapporteur is also aware that the question was discussed at the highest government level between the Sudan and Uganda. Nevertheless, as of December 1997, children, most of them girls, are still missing. In the affected areas of northern Uganda, the local population, including Sudanese refugees, continue to maintain their claims regarding their missing children and consider the Government of the Sudan to be the only actor to be in a position to take action.

4. Regarding the Juba Report*

61. As mentioned above, the Special Rapporteur is of the opinion that this report does not answer in a satisfactory manner the problems raised by the reports on gross and mass violations of human rights allegedly committed in Juba in the summer of 1992, and in relation to which the Special Rapporteur continued to receive further details in each of the following years. Some concrete aspects and self-contradictions were discussed above. In the following paragraphs the Special Rapporteur recapitulates the main elements concerning this issue.

62. The report of the Juba Commission was issued by the Consultative Council for Human Rights, an organ comprising representatives of several federal ministers, the security services and certain Sudanese non-governmental organizations, created in 1995 (see A/51/490, para. 6). This document is based on the findings of the Juba Commission, which was created in November 1992. The Juba report is a summary of the findings of the Juba Commission, which concluded its investigation and issued its report in May 1997, that is, the same month in which the document was finalized. The Advisory Council decided to make public only the results of the investigation because of the large volume of material and numerous details. The Special Rapporteur understands, however, that all of the material is available for those interested in learning more about the events as described in the Juba report.

63. The Special Rapporteur considers that the "difficulties" of the investigation described in the introduction to the Juba report do not explain adequately and convincingly why more than four years and seven months were needed to conclude the report (November 1992-May 1997). It was stated that the Commission had started its work in mid-January 1993 and presented its report in May 1997, with the explanation that the investigation had taken all that time because the events were the result of the comprehensive armed attack launched on the town of Juba, preventing the documentation of many facts and making the task of the Commission investigating hundreds of cases very difficult, as explained by the Commission in the report. It is difficult to understand why the Commission needed four years to finalize its report when the investigations and the trials lasted altogether a maximum of eight weeks (July-August 1992), including the time required to get permission from the

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* For details, see A/52/510, paras. 39-46.

Attorney-General for special investigative procedures in the case of civilians, confirmations of sentences by the commander of the military zone and finally ratification by the Commander-in-Chief. It is also difficult to understand why in those years the relatives of those sentenced to death and executed were not so informed. While the investigation of cases of disappearances indeed may need more time, the cases resolved by the special courts could have been communicated through a prior or interim report issued well in advance, thus clarifying the situation and ending the uncertainty.

64. The Special Rapporteur categorically rejects the statement included in paragraph 33 of the Juba Report, in which the Special Rapporteur and the Office of the High Commissioner for Human Rights are obliquely held responsible for the delay in investigation for not providing information to the Judicial Committee. In that regard, the Special Rapporteur refers to paragraphs 35 and 36 of his report to the forty-eighth session of the General Assembly (A/48/601).

65. As mentioned above, some positive developments can be reported regarding the situation of street children. The camp for children in Abu Dhom was finally closed in 1997 and a new practice in dealing with street children is emerging, centred on rehabilitation and family reunification. It is especially encouraging that UNICEF is becoming more and more involved in common projects and fieldwork with specialized departments of the Ministry of Social Planning, together with national and international non-governmental organizations. The Special Rapporteur believes that the international community should welcome these developments and support further steps aimed at improving the situation, for instance in supporting the centre for traumatized children in Juba, inaugurated in 1996.

66. The situation of women continues to raise questions, especially with regard to the legislation in force on the status of women and its implementation by local authorities. Most of the reports and information, including testimonies received by the Special Rapporteur during his September 1997 mission to Khartoum, indicated that members of PDF were responsible for the violations and abuses, especially the arbitrary round-up of women from the streets of Khartoum, the verbal harassment inflicted upon them and the lashings carried out at PPF bases. It is therefore the task of the federal Government to take up these cases and address the issue in its larger social and legislative context. It should be mentioned that in August 1997, 200 women were released from the women's section of Omdurman prison and that the number of inmates as of 4 September was estimated at 300.

67. Finally, the cooperation between the Commission on Human Rights and the Office of the United Nations High Commissioner for Human Rights on the one hand, and the Government of the Sudan and its specialized organs and agencies on the other should be strengthened and extended in the future in the field of investigating and reporting, with special emphasis on verification of reports on technical assistance and advisory services. In the next section the Special Rapporteur makes two recommendations in this regard.

B. Recommendations

1. Situation of human rights in general

68. The Special Rapporteur, after discussions with representatives of the Consultative Council for Human Rights and other competent government authorities, followed by a careful examination of all the reports available and the documentation provided by government representatives, considers that the recommendations and requests addressed to the Government of the Sudan contained in Commission on Human Rights resolution 1997/59 remain valid and should be reiterated.

69. While recognizing the efforts made by various government organs, especially the efforts of the Consultative Council for Human Rights to improve the communication between the Government of the Sudan and the Office of the United Nations High Commissioner for Human Rights, the Special Rapporteur emphasizes that more efforts must be made in order to begin the implementation of practical measures aimed at ending violations and abuses of human rights in the Sudan. The Special Rapporteur recommends that the international community should support such measures, and recommends that the Government of the Sudan create the appropriate conditions for the involvement of different United Nations agencies and organs, national and international human rights and humanitarian organizations in these activities.

70. The Special Rapporteur wishes to reiterate also his recommendations made in the 1997 report to the Commission on Human Rights (E/CN.4/1997/58, para. 59), and reflected in the corresponding paragraphs of Commission on Human Rights resolution 1997/59.

2. Specific recommendations

71. In relation to the Special Committee on Allegations of Enforced or Involuntary Disappearances and Reported Cases of Slavery, the Special Rapporteur reiterates some of the specific recommendations to the Government of the Sudan contained in his previous report to the General Assembly (A/51/490, para. 51), which he considers still to be relevant:

(a) To ensure wide publicity of the activities and findings of the Special Committee, including the use of public radio and television broadcasts;

(b) To ensure full transparency by encouraging representatives of all interested civic groups to participate and to help the fact-finding activities of the Special Committee;

(c) To give free and unimpeded access to international human rights and humanitarian organizations and independent observers to all areas where enforced or involuntary disappearances or cases of slavery, slave trade and similar institutions and practices, especially the sale of and trafficking in children and women have been reported;

(d) To consider the possibility of international participation in the process of addressing reported cases of enforced or involuntary disappearances in the Nuba Mountains area, and in contacting representatives of parties to the armed conflict other than the Government of the Sudan in areas under their control.

72. The Special Rapporteur recommends the establishment of a field office of the Office of the High Commissioner in Khartoum in order to ensure prompt communication, exchange and verification of information or reports regarding the situation of human rights in the Sudan and to provide advice and technical cooperation to the Government.

73. Finally, regarding the conflict zones, the Special Rapporteur reiterates the request for the implementation without delay of the recommendation contained in paragraph 25 of Commission on Human Rights resolution 1997/59 regarding the placement of human rights field officers to monitor the situation of human rights in the Sudan, in the locations, under the modalities and with the objectives suggested by the Special Rapporteur in his earlier reports.